



WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA) PROGRAM POLICY NOTICE NO 12 Rev. 1

EFFECTIVE DATE: September 15, 2025

SUBJECT: ELIGIBLE TRAINING PROVIDER LIST

REFERENCES

- Workforce Innovation and Opportunity Act of 2014, Sections 116, 122, and 134, effective July 1, 2015
- Workforce Innovation and Opportunity Act, final rule published August 19, 2016
- 20 CFR Parts §677.230, §679.370-380, §680.400-530, §683.630
- Training and Employment Guidance Letter (TEGL) 41-14 and Change 1 for WIOA Title I Training Provider Eligibility Transition
- Department of Labor, 29 CFR Part 38
- WIOA Section 188, Implementation of the Nondiscrimination and Equal Opportunity Provisions, final rule published December 2, 2016.
- DWS 24-001
- TEGL 19-16
- TEGL 03-18
- TEGL 08-19
- TEGL 13-16, Change 1
- TEGL 08-19, Change 1

PURPOSE

This guidance provides information, criteria, and procedures that inform the workforce system partners of changes to the Eligible Training Provider system. These procedures are based on the passage of Workforce Innovation and Opportunity Act final rules jointly published by U.S. Department of Labor and Education on August 19, 2016, and effective October 18, 2016 and DWS Policy No. 24-001, effective August 22, 2024.

BACKGROUND

The workforce development system established under WIOA emphasizes informed consumer choice, job-driven training, provider performance, and continuous improvement. The quality and selection of providers and programs of training services is vital to achieving these core principles. As required by WIOA Sec. 122, states, in partnership with Local Boards, must identify eligible training providers (ETPs) and programs that are qualified to receive WIOA title I-B funds to train adults, dislocated workers and **out-of-school youth ages 16 through 24***, including those with disabilities. The Approved New Mexico State list of eligible training providers and programs serves as an important tool for participants seeking training to identify appropriate providers and programs, and relevant information, such as cost and program outcomes. WIOA Sec. 122 (c) specifies that states must establish an application procedure for training providers and programs to maintain their eligibility and the eligibility of their programs.



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***Although youth programs are not specifically mentioned in the federal guidance, the SAE requires youth providers and programs who both serve WIOA program participants AND confer on industry recognized certificate or license to be registered and approved on the ETP system.**

The eligibility requirements will promote accountability, quality, and labor market relevance of training programs that may receive WIOA funds and will ensure that jobseekers not only have informed consumer choice, but also a selection of quality choices.

Eligible Providers of Training Services

Only providers that the State determines to be eligible, as required in WIOA sec. 122, may receive training funds under WIOA Title - I-B to provide training for participants enrolled in a WIOA-funded program of training services.

Eligible training providers include:

- Institutions of higher education that provide a program or programs that lead to recognized postsecondary credentials,
- Other public or private providers that provide training, which may include community-based organizations (CBOs) and joint labor-management organizations,
- Eligible providers of adult education and literacy activities under Title II if such activities are provided in combination with occupational skills training,
- Local Workforce Development Boards, if they meet the conditions of WIOA sec. 107(g)(1); and
- Apprenticeship programs including Industry Recognized Apprenticeship Programs (IRAPs) and Registered Apprenticeship Programs (RAP)

Eligible training providers are subject to the equal opportunity and nondiscrimination requirements contained in Section 188 of WIOA. The types of eligible training providers for WIOA are substantively the same as those under the Workforce Investment Act (WIA). The requirements to become an eligible provider of training services apply to all organizations providing WIOA Title I-B- funded training to adults and dislocated workers, and *out-of-school youth ages 16 through 24**, with the specific exception of Registered Apprenticeship Programs.

Note: Please see the separate section on Registered Apprenticeship programs as many of the ETPL requirements regarding these types of programs are different.

Eligible Programs of Training Services

A program of training services is defined as: One or more courses or classes, or a structure regimen, that leads to either a license recognized by the state or Federal Government, a postsecondary credential, secondary school diploma or its equivalent; employment; or measurable skills gains toward such a



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credential or employment. These training services could be delivered in person, online, or in a blended approach

Not all allowable types of training services are subject to the requirements of the eligible training provider provisions in WIOA title 1-B. Training services exempt from the Section 122 eligibility requirements include:

- On-the-job training; customized training; incumbent worker training; transitional employment; or
- The circumstances described at WIOA sec. 134(c)(3)(G)(ii), if the Local Board determines that:
 - The State/Local area has an insufficient number of providers,
 - There is a training services program with demonstrated effectiveness offered in the local area by a community-based organization or other private organization to serve individuals with barriers to employment; or
 - It would be most appropriate to award a contract to an institution of higher education or other eligible provider of training services in order to facilitate the training of multiple individuals in in-demand industry sectors or occupations, and such contract does not limit customer choice; or
 - When the Local Board provides training services through a pay-for-performance contract.

Providers and programs that meet eligible training provider criteria and are certified on the State ETPL are considered eligible to receive Individual Training Account (ITA) funds for the provision of training services of WIOA enrolled participants.

ROLES AND RESPONSIBILITIES

The Department of Workforce Solutions, State Administrative Entity (SAE), is responsible for the following:

- Establishing requirements for the Eligible Training Provider list system, to include:
- hosting the ETPL through a web-based platform; and
establishing the web application and tracking system for use by training providers and local workforce development boards (LWDBs).
- Establishing ETPL eligibility criteria, and application and approval procedures.
- Facilitating the acquisition of performance data information for public institutions managed through a partnership with the New Mexico Department of Higher Education.
 - Reviewing, monitoring and executing approval of training provider applications, for minimal eligibility criteria and performance requirements.
 - Verifying the initial minimum eligibility of out-of-state program and training services; including review of applications or renewal; as well as the review of overall effectiveness of providers and programs to determine initial and continued eligibility based on ETP criteria.



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- Notification to LWDBs when out-of-state programs and their providers are approved for services.
- Informing and supporting the appeals process for out-of-state training providers deemed ineligible as an Eligible Training Provider.
- Taking appropriate enforcement actions against providers and programs that intentionally provide inaccurate information or that substantially violate the requirements of WIOA.
- Disseminating the State ETPL along with performance and cost information for each provider, for use by the public and the local workforce development boards.
- Facilitating data matches between ETP records and Unemployment Insurance wage data to assist in providing a mechanism for ETP annual performance reporting and compliance with DOL performance guidance.
- Establishing a mechanism for adding Registered Apprenticeship programs to the ETPL and verifying registered status at least every two years.
- Convening WIOA Core Partners, Registered Apprenticeship and local workforce development boards as necessary to coordinate ETPL requirements.
- Establishing an appeals procedure for providers to appeal a denial of eligibility.

Local Workforce Development Boards are responsible for the following:

- Verifying the initial minimum eligibility of entities providing a program of training services.
- Reviewing in-state applications to recommend approval or renewal, the overall effectiveness of providers and programs to determine initial and continued eligibility based on ETP criteria.
- Notifying in-state providers/programs of determination, if approved or denied.
- Reviewing applications to recommend possible termination of ETPs due to the provider's submission of inaccurate eligibility and performance information or the provider's substantial violation of WIOA requirements.
- Verifying the initial minimum eligibility of entities providing a program of training services.
- Reviewing in-state applications to recommend approval or renewal, the overall effectiveness of providers and programs to determine initial and continued eligibility based on ETP criteria.
- Notifying in-state providers/programs of determination, if approved or denied.
- Reviewing applications to recommend possible termination of ETPs due to the provider's submission of inaccurate eligibility and performance information or the provider's substantial violation of WIOA requirements.
- Reviewing training provider applications within 30 working days of the receipt of application.
- Working with the State to ensure there are sufficient numbers and types of providers of training services, including eligible providers with expertise in assisting individuals with disabilities and eligible providers with expertise in assisting adults in need of adult education and literacy activities.
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- Ensuring the accessibility and use of the State ETPL and use of the programs through the local one-stop delivery system, ensuring the information is available to inform consumer choice.
- Identify in-demand sectors or occupations for the local area by using relevant labor market information.
- Ensuring priority consideration for programs of training that lead to recognized post-secondary credentials and are aligned with in-demand industry sectors or occupations in the local area.
- Ensuring for the continuous improvement of eligible training providers and that employer needs are being met thereto via focused oversight and monitoring of the ETPL, and reports to the NALWDB committee in regular meetings to add an additional layer towards quality assurance.
- Recommending to the state, as necessary, removal of an eligible training provider from the ETPL with appropriate justification.
- Facilitating and supporting the appeals process for training providers deemed ineligible as an Eligible Training Provider.
- For the purposes of the statewide list, LWOBs may not require additional criteria and information from local providers; or set higher levels of performance than those required by the State criteria.
- Regarding Registered Apprenticeship programs, LWDBs may not require additional criteria and information from local providers to become or remain eligible in that local area; or set higher levels of performance than those required by the State as criteria for local programs to become or remain eligible to provide services in that local area.

Continuous Quality Improvement of Eligible Training Providers

- Establishment of Northern Area Local Workforce Development Board Eligible Training Provider List committee which engages board members.
- Ensure continuous oversights and improvement of the programs on the ETPL by reviewing required documentation, assessment information, and completion and placement rates provided by training providers at *initial* and *continued* eligibility.
- Provide training and technical assistance to current and prospective training providers in conjunction with the NM Department of Workforce Solutions WIOA Eligible training Providers Administrator,
- Ensure programs are meeting the needs of employers and jobseekers by requesting additional LMI Information and are in alignment with the boards occupation in demand policy,
- Communicating with providers the opportunities and need for innovated training to meet local economic development growth for both employers and job seekers.

ELIGIBLE TRAINING PROVIDER PROCESS



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The State has established the following procedures for determining the initial eligibility of new providers, procedures for reviewing and renewing eligibility for all providers at least every two years, and procedures for transitioning existing WIA providers to WIOA.

Initial Eligibility Process

Training providers or programs may apply for initial eligibility at any time. All applications for the ETPL will be completed using the NM Jobs On-Line System. The online application process for training providers starts with verifying the training provider is licensed, certified, or authorized by the New Mexico Department of Higher Education, or the relevant state agency or oversight agency, to operate training programs. If a provider is in compliance with the oversight agency, the provider can proceed to the next step in the application process. If a provider is not in compliance with the oversight agency, the provider will not be able to apply for inclusion on the ETPL until they meet the necessary requirements. Once the online initial eligibility application is submitted by the service provider, the LWDB has 30 working days to review for completeness and submit a recommendation to the SAE for approval.

Initial Eligibility Criteria

All approved providers must submit specific detailed information pertaining to each individual program's application.

Approval of a provider's program(s) for the initial eligibility period of 12 months is based on:

1. Successful submission by the provider of the following information for each program submitted:
 - a.) Information addressing the alignment of training with target industry sectors and in-demand occupations,
 - b.) A description of each training program to be offered,
 - c.) The purpose, duration, and objectives of the program offered by the institution,
 - d.) Student costs, including tuition, and an itemized listing of all the mandatory fees, as well as refund and financial aid policies,
 - e.) Name of the person to contact for information,
 - f.) Prerequisites and other requirements of the training program(s),
 - g.) Website link to a detailed description of the training program(s),
 - h.) Background check requirements for licensing and background restrictions for working in the occupation,
 - i.) The type of industry-recognized certificate or credential, including recognized post-secondary credentials clients receive through the program,
 - j.) Whether the provider has developed the training in partnership with a business (and the name of the business), and
 - k.) The prerequisites or skills and knowledge required for training.

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2. Required performance data including information about the program performance outcomes addressing a factor related to the WIOA performance indicators (employment 2nd and 4th quarter after exit, median earnings 2nd quarter after exit, credential attainment).

Special Note: How does New Mexico identify a “factor” relating to performance for use as one of the criteria in the initial eligibility assessment if the provider has not previously collected program data on WIOA performance measures. The state has identified a variety of measures/proxy data to meet this requirement.

Any of the following may be used:

- The training institutions general retention, completion, or placement rates,
- Number of students who obtained employment,
- Number of students who obtained a credential or degree,
- An internal or outside research narrative describing how the selected training program is effective in improving students’ employability or earning potential

Continued Provider Eligibility

Before an approved program has reached the end of the 12-month period of initial eligibility, the training provider must supply updated performance information covering the period of initial eligibility. LWDBs must review the information provided and make a determination to renew the training provider for an extended period of ETPL eligibility or remove it from the ETPL. To remain on the ETPL as an approved program, the performance must meet the requirements outlined below. If approved, the program is retained on the ETPL for 24 months from the date the training provider/offering is renewed. After 24 months, the program will be assessed again. This process is called continued eligibility.

Continued Eligibility Criteria.

Training providers or programs applying for continued eligibility must adhere to the following criteria **in addition to the criteria listed under the Initial Eligibility Criteria** section of this policy.

Performance Standards

Approved providers, with the exception of RAPs, are required to submit performance reports after the 12-month initial eligibility and every 24 months for continued eligibility. The data must be student-level data, separated by training program and will apply to both WIOA and non-WIOA student populations. Training providers or programs applying for continued eligibility shall provide the following information in addition to the criteria listed under the Initial Eligibility Criteria section of this policy. Once training providers and their programs have two years of data for the WIOA performance indicators, the State will collect the required information, determine performance outcomes and make the performance data available through the NM Jobs On-Line System, for each training provider on the ETPL. Programs with less than 10 students enrolled will not be included in performance data. **The following information is required for all applications for continued eligibility.**



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- Total number of participants enrolled in the program
- Total number of participants completing the program
- Total number of participants exiting the program
- Completion rates of participants
- The types of recognized post-secondary credentials received by program participants
- Employment Rate (2nd Quarter) – the percentage of program participants who are in unsubsidized employment during the second quarter after exit from the program
- Employment Rate (4th Quarter) – the percentage of program participants who are in unsubsidized employment during the fourth quarter after exit from the program
- Median Earnings – the median earnings of program participants who are in unsubsidized employment during the second quarter after exit; and
- Credential Attainment – the percentage of program participants who obtain a recognized post-secondary credential, or a secondary school diploma or its recognized equivalent during participation or within one year after exit from the program.
- A description of how the provider will ensure access to training services throughout the State, including rural areas and through the use of technology.
- A description of how the training services will be provided to individuals who are employed and/or individuals with barriers to employment.
- Information reported to State agencies on Federal and State training programs other than programs within WIOA title 1B, including partner programs, (i.e. Adult basic education and literacy, Division of Vocational Rehabilitation, etc.) that are used to provide additional information about overall effectiveness, quality and utilization of programs.

New Mexico has established benchmarks for program-specific data for both initial and continued eligibility determinations. At least one of the following minimum standards must be met:

1. Program Completion Rate – 57.28% of the participants entering a program must complete the program.
2. Credential Attainment Rate – 56.0% of total participants completing a program offering a recognized postsecondary credential must earn the credential.

Modification of Approved Programs

ETPL providers must keep information current in NMWCOS to continue to receive training referrals. Failure to report changes to the program information promptly may result in the removal of the program from the ETPL. Changes required to be reported include:

- The state and LWDB must be notified in writing of a change in price along with the reason for the change
- Notice of a change in ownership or form of control, which may include, but is not limited to:
 - the sale of the institution, the merger of two or more institutions, the division of one institution into two or more institutions, or a conversion of the institution from a for-profit institution to a non-profit or a non-profit institution to a for-profit,
- Notice of offering a program at a new location,



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- Notice of deleting or suspending a program. The institution shall also detail its teach-out plan or how the students will be advised regarding other options,
 - Notice of an action or review by the institution's accrediting body concerning the institution's accreditation/authorization status, such as loss of accreditation or any sanction relative to the institution's accreditation.

Changes must be reported within 5 business days. Additionally, all training organizations should provide notice to the ETPL Coordinator of a change in the manager of the provider's account in NMWCOS.

CONDITIONS FOR REMOVAL

Local boards may recommend for State removal or denial of an application, providers or programs, for a period of not less than 2 years, for the following reasons.

- If the provider knowingly supplies false performance information, misrepresents costs or services, or substantially violates requirements of WIOA law or regulations. Such providers are liable to repay all adult, dislocated worker and youth funds received during the period of non-compliance.
- If the provider fails to meet the established criteria. Situations that will result in removal include but are not limited to the following:
 - failure to meet established performance levels;
 - failure to provide all required performance information for continued eligibility; and
 - failure to maintain accreditation required for professional licensure.
- If the training provider or program is temporarily unable to meet the objectives of the approved program(s).

A training provider that is removed from the list for the reasons stated above may re-apply for continued eligibility when they can demonstrate that they meet all the requirements. Training providers debarred by the Federal government are not permitted to be placed or remain on the ETPL.

If a training provider or a program of training services is removed from the list while WIOA participants are enrolled, the participants may complete the program unless the provider or program has lost state licensing, certification, or authorization to operate by the appropriate state oversight agency.

Process for Removal from the ETPL

Providers on the ETPL who are determined to have intentionally supplied inaccurate information or to have substantially violated any provision of this policy and/or WIOA and associated regulations must be removed from the ETPL. A provider whose eligibility is terminated under these conditions must be terminated for a minimum of two (2) years and is liable to repay all training funds (adult, dislocated worker, and youth) received during the period of noncompliance. The repayment of funds will follow LWDB policies and procedures. The intentional provision of inaccurate information includes, but is not limited to:

- False claims about business partnerships,
- The provision of false information concerning the authorization or ability provide a program beyond secondary education,



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- The provision of false information concerning licensure, registration, or accreditation to operate in New Mexico,
- Charging a higher rate of training costs for WIOA participants than for self-pay individuals or those whose training is paid by other payment methods; or
- Misleading or false information regarding the training provider's ability to financially operate and sustain the training programs offered.

Additionally, a training provider will be removed from the ETPL for the following:

- The training organization has been debarred from business with the Federal government,
- Lost accreditation or license to provide training,
- Reports/complaints about violations of the nondiscrimination and equal opportunity provisions agreed to in the initial ETP application

A training provider that is removed from the list for the reasons stated above may re-apply for continued eligibility when they can demonstrate that they meet all the requirements.

If a training provider or a program of training services is removed from the list while WIOA participants are enrolled, the participants may complete the program unless the provider or program has lost state licensing, certification, or authorization to operate by the appropriate state oversight agency.

APPEALS PROCESS

Training providers can appeal the rejection of their program for inclusion on the ETPL or the subsequent termination of eligibility. An appeal must be submitted in writing via email to the Department of Workforce Solutions, State Administrative Entity within 14 days after notification of the decision to remove. The appeal must include the justification for the appeal. The training provider also has the right to request a hearing to discuss their appeal. If a hearing is requested, an appeals committee will be convened consisting of NM SAE leadership, the state's ETPL Administrator, and the LWDB Director. An ETP appeals board will be assembled by the State Administrative Entity. The appeals board will schedule a hearing and make a decision within 60 days of appeal. This will be a final decision, if the removal is upheld, the program will be prohibited from reapplying for one (1) year from the date of the final decision or for two (2) years if the removal was for the submittal of false information.

Registered Apprenticeship and the ETPL

Under WIOA title I-B, Registered Apprenticeship program sponsors that request to be ETPs are automatically included on the list and will remain as long as the program is registered or until the program sponsor notifies the State that it no longer wants to be included on the list. Registered Apprenticeship programs are not subject to the same application and performance information requirements or to a period of initial eligibility or initial eligibility procedures as other providers because they go through a detailed application and vetting procedure to become a Registered Apprenticeship program sponsor with the United States Department of Labor or the State Apprenticeship Agency (SAA). A11 Registered Apprenticeship programs are eligible to be included on the State list of eligible training providers.

Registered Apprenticeship can take many forms and the sponsors are diverse, including:



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- Employers who provide related instruction. A number of employers with Registered Apprenticeship programs provide formal in-house instruction as well as on-the-job training at the work site.
- Employers who use an outside educational provider. Under this model Registered Apprenticeship program sponsors do not provide the related instruction or educational portion of the apprenticeship but rely upon an outside educational entity to deliver instruction. Employers can use two- or four-year post-secondary institutions, technical training schools, eligible providers of adult education and literacy activities under title II, or on-line courses for related instruction. The employer is the ETP and must identify their instructional provider as defined locally.
- Joint Apprenticeship Training Programs. These programs are made up of employers and unions. They have an apprenticeship training school where the instructional portion of the Registered Apprenticeship program is delivered. The training schools are usually administered by the union.
- Intermediaries. Intermediaries can serve as program sponsors when they take responsibility for the administration of the apprenticeship program. They can also provide expertise such as curriculum development, classroom instruction and supportive services, as appropriate. The intermediary is the ETP and must identify the instructional provider if an outside organization is providing the educational portion of the apprenticeship. Intermediaries include:
 - Educational institutions including two- and four-year post-secondary institutions, technical schools, or eligible providers of adult education and literacy activities under title II. In this model the educational institution administers the program, works with employers to hire apprentices and provides classroom or on-line instruction for the apprenticeship program;
 - Industry associations administer the program and work with employer/members and educational entities to implement the apprenticeship program; and,
 - Community based organizations administer the program and work with employers, educational entities and the community to implement the apprenticeship program.

Pre-apprenticeship programs do not have the same automatic ETP status under WIOA title 1-B as do Registered Apprenticeship programs.

ETPL Procedures for Registered Apprenticeship Programs.

RAPs are automatically eligible to be included on the ETPL and are exempt from state and local eligibility requirements. Due to the rigorous assessment RAPs have passed as part of the registration process with the U.S. Department of Labor's Office of Apprenticeship (DOLETA/OA), additional information and performance requirements may not be required or requested of RAPs. If openings for new apprenticeships exist in the local area, the RA sponsor's programs will automatically be considered an in-demand training and will be included and maintained on the ETPL as a statewide in-demand occupation for as long as the openings remain unfilled.



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The state will reach out to new apprenticeship programs to inform them of their automatic eligibility on the state's ETPL. RAPs that opt for inclusion on the ETPL may request the state's ETPL Administrator add them to the ETPL with the provision of only the following basic information:

- Occupations included within the RAP,
- The name and address of the RAP sponsor,
- The name and address of the Related Technical Instruction (RTI) provider(s), and the location(s) of instruction if different from the program sponsor's address,
- The method and length of instruction,
- The number of active apprentices,
 - The total cost of the program,
 - The appropriate NAICS and SOC codes, as currently required by the ETPL information system.


RAPs will remain on the ETPL until:

- The RAP notifies the NM SAE that it no longer wants to be included on the ETPL,
- The program is removed from the DOLETA/OA registered apprenticeship list,
- The program is determined to have intentionally supplied inaccurate information; or
- A determination is made that the RAP substantially violated any provision of WIOA Title I or associated regulations including 29 CFR Part 38

Pre-apprenticeship programs do not have the same automatic ETP status under WIOA Title I-B as Registered Apprenticeship Programs.

This policy rescinds any previous NALWDB policy regarding subject.

INQUIRIES: Contact the WIOA Administrative Entity at 505-986-0363.



Joseph Weathers (Oct 27, 2025 10:36:13 MDT)

10/27/25

Board Chair

Date:

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(ruthie@nalwdb)

Final Audit Report

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